

The Office Action states that claims 1-65 (Group I) are drawn to an apparatus, method and a sequence of instruction in ATM network node setting up a connection, classified in class 370, subclass 395.2; claims 66-73 (Group II) are drawn to a memory structure and array and specific processing in a server node with respect to addressing, classified in class 370, subclasses 395.7 and 397; claims 74-77 (Group III) are drawn to a validation/admission method by processing addressing information classified in class 370, subclass 392; claim 78 (Group IV) is drawn to a method of restricting burst-size requests whether to admit/accept the call based on shape/size of traffic, classified in class 370, subclass 230.1; claim 79 (Group V) is drawn to a class-of-service provisioning method, classified in class 370, subclass 395.43; claim 80 (Group VI) is drawn to a method of restricting the number of concurrent call for end-to-end call connection, classified in class 370, subclass 231; and claim 81 (Group VII) is drawn to a bandwidth control method, classified in class 370, subclasses 468 and 477.

In support of this restriction requirement, the Examiner asserts that the inventions of Groups I and III-VII are distinct because they are related as combination and subcombination; the inventions of Groups I and II are related as combination and subcombination; the inventions of Groups II and III-VII are related as subcombinations usable together in a single combination; the inventions of Groups III and IV are related as subcombinations usable together in a single combination; and the inventions of Groups III and V, III and VI, and III and VII are related as subcombinations usable together in a single combination.

Under M.P.E.P. § 806.05(c), "[w]here a combination as claimed does not set forth the details of the subcombination as separately claimed and the subcombination has separate utility, the inventions are distinct and restriction is proper if reasons exist for insisting upon the restriction." However, as further set forth in M.P.E.P. § 806.05(c), to demonstrate that a combination and subcombination have separate utility, the examiner must show, by way of example, that separate utility exists as part of a two-way distinctness test. M.P.E.P. § 806.05(c) specifically states that the burden is on the Examiner to provide such an example. Applicants respectfully submit that the Examiner has not satisfied this burden with respect to Groups I and III-VII and Groups I and II. Instead, the Examiner merely recites the preambles of each of the independent claims in these groups as evidence of separate utility. The Examiner, thus, has not provided an example that any of the inventions identified by Groups I and III-VII and Groups I and II have separate utility, as required for demonstrating two-way distinctness under M.P.E.P. § 806.05(c). Since the Examiner has not demonstrated two-way distinctness, Applicants respectfully request that the restriction requirement be withdrawn.

Similarly, under M.P.E.P. § 806.05(d), "two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually distinct from each other." However, as further set forth in M.P.E.P. § 806.05(d), to demonstrate that the subcombinations are separately usable, "[t]he examiner must show, by way of example, that one of the subcombinations has utility other than in the disclosed combination." The burden is on the Examiner to provide such an example. See M.P.E.P. § 806.05(d). Applicants respectfully submit that

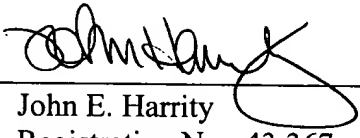
the Examiner has not satisfied this burden with respect to Groups II and III-VII, Groups III and IV, and Groups III and V, III and VI, and III and VII. Instead, the Examiner merely recites the preambles of each of the independent claims in the groups as showing that the subcombinations have utility other than in the combination disclosed in Applicants' specification. Thus, the Examiner has not provided an example that the subcombinations have utility other than in the combination disclosed in Applicants' specification, as required for demonstrating one-way distinctness under M.P.E.P. § 806.05(d). Since the Examiner has not demonstrated one-way distinctness, Applicants respectfully request that the restriction requirement be withdrawn.

If the Examiner persists in maintaining the restriction requirement, Applicants elect claims 1-65 of Group I with traverse.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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